

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KIMBERLY GENEREUX,
Plaintiff,

v.

C.A. NO. 05-CV-10879-JLT

COLUMBIA SUSSEX CORPORATION
d/b/a WESTIN CASUARINA HOTEL,
STARWOOD HOTELS & RESORTS
WORLDWIDE, INC., WESTIN LICENSE
COMPANY, WESTIN LICENSE
COMPANY NORTH, INC., WESTIN
MANAGEMENT COMPANY EAST,
WESTIN NORTH AMERICA
MANAGEMENT COMPANY, INC.,
GALLEON BEACH RESORT, LTD., and
CORPORATE DEFENDANTS X1-100,
Defendants.

ANSWER AND JURY CLAIM OF
DEFENDANT COLUMBIA SUSSEX CORPORATION

In answer to each numbered paragraph and count of the plaintiff's first amended complaint, defendant Columbia Sussex Corporation (hereafter "Columbia") says as follows:

1. Defendant Columbia does not have sufficient information or knowledge to admit or deny the allegations of this paragraph.
2. Defendant Columbia admits that it is a duly organized corporation under the laws of the Commonwealth of Kentucky, and has a principal place of business as alleged; defendant Columbia does not have sufficient information or knowledge at this time to admit or deny the remaining allegations of this paragraph.
3. The allegations of this paragraph pertain to another defendant and, therefore, no response from defendant Columbia is required.
4. The allegations of this paragraph pertain to another defendant and, therefore, no response from defendant Columbia is required.
5. The allegations of this paragraph pertain to another defendant and, therefore, no response from defendant Columbia is required.

6. The allegations of this paragraph pertain to another defendant and, therefore, no response from defendant Columbia is required.
7. The allegations of this paragraph pertain to another defendant and, therefore, no response from defendant Columbia is required.
8. The allegations of this paragraph pertain to another defendant and, therefore, no response from defendant Columbia is required.
9. The allegations of this paragraph pertain to another defendant and, therefore, no response from defendant Columbia is required. However, insofar as the allegations of this paragraph state or suggest that defendant Galleon Beach Resort and defendant Columbia are affiliated, and that defendant Galleon does business in the care of and at the principal place of business of defendant Columbia, defendant Columbia denies such allegations. Defendant Columbia admits that its principal place of business is at the Kentucky address set forth in this paragraph.
10. The allegations of this paragraph pertain to another defendant and, therefore, no response from defendant Columbia is required.
11. Defendant Columbia does not have sufficient information or knowledge to admit or deny the allegations of this paragraph.
12. Defendant Columbia does not have sufficient information or knowledge to admit or deny the allegations of this paragraph.
13. Insofar as the allegations of this paragraph pertain to defendant Columbia, they are denied.
14. Insofar as the allegations of this paragraph pertain to defendant Columbia, they are denied.
15. Insofar as the allegations of this paragraph pertain to defendant Columbia, they are denied.
16. Insofar as the allegations of this paragraph pertain to defendant Columbia, they are denied.
17. Insofar as the allegations of this paragraph pertain to defendant Columbia, they are denied.
18. Defendant Columbia does not have sufficient information or knowledge to admit or deny the allegations of this paragraph.
19. Defendant Columbia does not have sufficient information or knowledge to admit or deny the allegations of this paragraph.

20. Defendant Columbia does not have sufficient information or knowledge to admit or deny the allegations of this paragraph.
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63. Defendant Columbia does not have sufficient information or knowledge to admit or deny the allegations of this paragraph.
64. Defendant Columbia does not have sufficient information or knowledge to admit or deny the allegations of this paragraph.

- 65. Defendant Columbia does not have sufficient information or knowledge to admit or deny the allegations of this paragraph.
- 66. Defendant Columbia does not have sufficient information or knowledge to admit or deny the allegations of this paragraph.

COUNT I

- 67. Defendant Columbia incorporates herein by reference its answers to the preceding paragraphs 1-66 as if they were fully set forth herein.
- 68. This paragraph contains a conclusion of law rather than an allegation of fact. Therefore, no answer from defendant Columbia is required.
- 69. a-k: Insofar as the allegations of this paragraph and its subparagraphs pertain in any way to defendant Columbia, they are denied.

AFFIRMATIVE DEFENSES

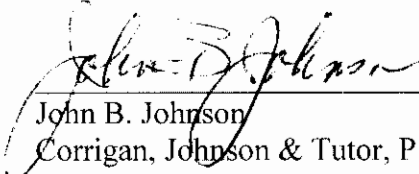
And further answering, Defendant Columbia says:

- A. The cause of action brought by the plaintiff in this complaint is barred by the applicable statute of limitations and/or statute of repose.
- B. The injuries and damages allegedly suffered by the plaintiff were caused in whole or in part by the plaintiff's own negligence, which was greater than any negligence of the defendants.
- C. Any award of damages to the plaintiff in this case must be reduced in accordance with the provisions of M.G.L. c. 231, s. 85 because of the plaintiff's own comparative negligence.
- D. The injuries and damages allegedly suffered by the plaintiff were caused by the actions of a third party over whom defendant Columbia had no control, and for whose conduct defendant Columbia had no responsibility.
- E. The plaintiff's complaint against defendant Columbia should be dismissed because this court lacks jurisdiction over this defendant.


JURY DEMAND

Defendant Columbia demands a trial by jury.

Columbia Sussex Corporation,
by its attorneys



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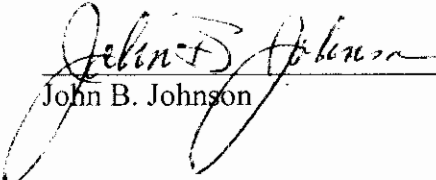


Robert J. Brown
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New York, NY 10019
(212) 261-8000

Dated: October 14, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the plaintiff's attorney Mark Itzkowitz, 85 Devonshire Street, Suite 1000, Boston, MA 02109 by mail, postage pre-paid on October 14, 2005.



John B. Johnson